

**SUBDIVISION  
AND  
DEVELOPMENT APPEAL BOARD  
AGENDA**

**Wednesday, 9:00 A.M.  
July 8, 2015**

**Hearing Room No. 2  
Churchill Building,  
10019 - 103 Avenue NW,  
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD  
HEARING ROOM NO. 2**

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**To Be Raised**

I     9:00 A.M.     SDAB-D-15-126     Construct a Minor Digital On-premises Off-premises Sign (Double sided facing N & S)  
12435 - 97 Street NW, 12435 - 97 Street NW  
Project No.: 160590710-001

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**BREAK – 10:45 A.M. TO 11:00 A.M.**

II    11:00 A.M.     SDAB-D-15-146     Increase the height of approved Fascia Minor Digital On-premises Off-premises Sign from 8.0 m to 11.4 m  
14815 - Yellowhead Trail NW  
Project No.: 152684111-003

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**LUNCH BREAK – 12:30 P.M. TO 1:30 P.M.**

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**To Be Raised**

III   1:30 P.M.     SDAB-D-15-123     Construct exterior alterations to an existing Single Detached House (driveway extension, existing without permits)  
2244 - 32B Street NW  
Project No.: 159325021-002

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**NOTE:**            *Unless otherwise stated, all references to “Section numbers” refer to the authority under the Edmonton Zoning Bylaw 12800.*

**TO BE RAISED**

**ITEM I: 9:00 A.M.**

**FILE: SDAB-D-15-126**

**AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN  
ADJACENT PROPERTY OWNER**

APPLICATION NO.:	160590710-001
APPLICATION TO:	Construct a Minor Digital On-premises Off-premises Sign (Double sided facing N & S)
DECISION OF THE DEVELOPMENT AUTHORITY:	Approved with Conditions
DECISION DATE:	May 7, 2015
DATE OF APPEAL:	May 21, 2015
NOTIFICATION PERIOD:	May 12, 2015 through May 25, 2015
RESPONDENT:	CBS Outdoor
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	12435 - 97 Street NW, 12435 - 97 Street NW
LEGAL DESCRIPTION:	Plan 5701HW Blk 11 Lot D, Plan 5701HW Blk 11 Lot A
ZONE:	CSC Shopping Centre Zone
OVERLAY:	N/A
STATUTORY PLAN:	Yellowhead Corridor Area Structure Plan

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DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

- 1) Minor Digital Off-premises Sign permit is approved for a period of up to five years. A new application will be required to extend the display duration on or before May 07, 2020.
- 2) Freestanding Off-premises Signs may be allowed only on Sites that are an integral part of a commercial strip. (Reference Section 59E.3(2)(a)).
- 3) The maximum Height shall be 8.0 m. (Reference Section 59E.3(5)(a)).
- 4) The maximum Width shall be 8.0 m; (Reference Section 59E.3(5)(b)).
- 5) The maximum Area shall be 20 m<sup>2</sup> for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m<sup>2</sup>; (Reference Section 59E.3(5)(c)(ii)).
- 6) Proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Signs. If the proposed Sign Area is greater than 8.0m<sup>2</sup> to less than 20m<sup>2</sup> the minimum separation distance from Digital Signs greater than 8.0 m<sup>2</sup> or other Off-premises Sign shall be 100m. The separation shall be applied from the larger Off-premises Sign or Digital Sign location. (Reference Section 59E.3(5)(d)).
- 7) Proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback; (Reference Section 59E.3(5)(i)) ok
- 8) A minimum Setback of 6.0 m shall be required where a Site abuts a public roadway, other than a Lane, or the property line of a Site in a Residential Zone. (Reference 320.4(3)).
- 9) The maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and. (Reference Section 59E.3(5)(j)).
- 10) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

VARIANCES:

Minor Digital Off-premises Sign Signs are Discretionary in the CSC Zone. (Reference Section 320.3(35)).

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APPELLANT'S SUBMISSION

I wish to appeal permit # 160590710-001 for a Minor Digital On/Off Premise Sign.

I currently hold an existing permit and development for a similar type sign. My permit # is 118347852-001 at Address 12429-97 Street

The new proposed permit is within 10 meters of our existing development. Please refuse new development.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Minor Digital On-premises Off-premises Signs** is a Discretionary Use in the CSC Shopping Centre Zone, Section 320.3(35).

Under Section 7.9(7), **Minor Digital On-premises Off-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

This application was approved by the Development Officer subject to conditions.

The decision of approval by the Development Officer has been appealed by a neighbouring property owner located at 12429 - 97 Street.

Section 320.4(8) states Signs shall comply with the regulations found in Schedule 59E.

Schedule 59E.3(5) states Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. the maximum Height shall be 8.0 m;
- b. the maximum Width shall be 8.0 m;
- c. the maximum Area shall be:
  - i. 20 square metres, to a maximum of 25 percent wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 20 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 20 m<sup>2</sup>;

- d. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

- e. ...
- f. ...
- g. ...
- h. ...
- i. proposed Signs with an Area greater than 8.0 m<sup>2</sup> shall not be located within any Setback;
- j. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- k. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

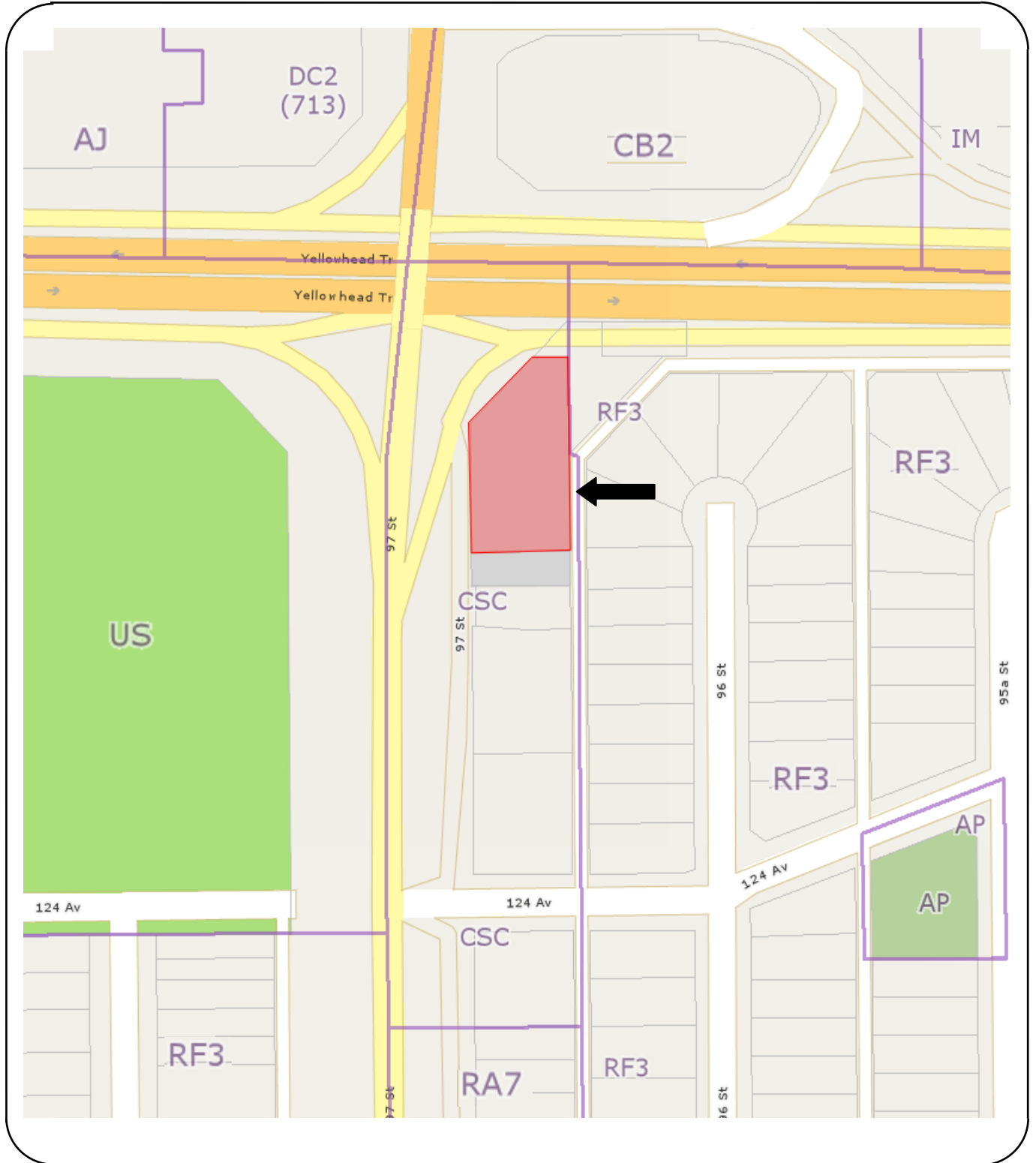
Section 320.1 states the purpose of this Zone is to provide for larger shopping centre developments intended to serve a community or regional trade area. Residential, office, entertainment and cultural uses may also be included within such shopping complexes.

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NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-126





ITEM II: 11:00 A.M.

FILE: SDAB-D-15-146

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	152684111-003
APPLICATION TO:	Increase the height of approved Fascia Minor Digital On-premises Off-premises Sign from 8.0 m to 11.4 m
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	May 20, 2015
DATE OF APPEAL:	June 3, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	14815 - Yellowhead Trail NW
LEGAL DESCRIPTION:	Plan 7069KS Blk 6 Lot 13
ZONE:	IB Industrial Business Zone
OVERLAY:	N/A
STATUTORY PLAN:	Yellowhead Corridor Area Structure Plan

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DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reason:

The maximum height for a Fascia Minor Digital On-premises Off-premises Sign shall be 8.0 m (Reference Section 59F.3(6)(b)).

Proposed Height: 11.4 m  
Exceeds by: 3.4 m

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APPELLANT'S SUBMISSION

On August 22, 2104, a decision to ALLOW and DEVELOPMENT GRANTED for the installation of a Fascia Minor Digital On-premises Sign was granted by the Subdivision and Development Appeal Board.

In rendering the August 22, 2014 Decision, a condition were the maximum height of the sign shall not exceed 8 meters was included.

Throughout the development application and SAB appeal, representation was made identifying that the sign height was 1.3 meters.

We believe that this condition should not have been included and are requesting that the height condition be removed.

On March 20, 2015, a Commercial Permit was issued for exterior alterations to the Facade Parapet. Construction of the exterior alterations have commenced.

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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

**Minor Digital On-premises Off-premises Signs** is a Discretionary Use in the IB Industrial Business Zone, Section 400.3(40).

Under Section 7.9(7), **Minor Digital On-premises Off-premises Signs** means any Sign that is remotely changed on or off Site and has a Message Duration greater than or equal to 6 seconds. Minor Digital On-premises Off-premises Signs incorporate a technology or method allowing the Sign to change Copy without having to physically or mechanically replace the Sign face or its components. The Copy on such Sign may include Copy from Minor Digital On-premises Signs and Minor Digital Off-premises Signs.

Schedule 59F3.(6)(b) states the maximum Height shall be 8.0 metres.

**The Development Officer determined that the maximum allowable Height is 8.0 metres. The proposed development provides a Height of 11.4 metres which exceeds the maximum allowable Height by 3.4 metres.**

Section 400.4(6) states that Signs shall comply with the regulations found in Schedule 59F.

Schedule 59F.3(6) states Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs shall be subject to the following regulations:

- a. proposed Signs are prohibited in the civic center area bounded by 105 Avenue to the north, the North Saskatchewan River Valley to the south, 97 Street to the east, and 100 Street to the west;
- b. ...;
- c. the maximum Width shall be 16.0 metres;
- d. the maximum Area shall be:

- i. 65 square metres, to a maximum of 25 percent wall coverage for proposed Signs that are Fascia Signs; or
  - ii. 65 square metres for proposed Signs that are Freestanding Signs. The maximum combined Area of Digital Sign Copy and any other type of Copy on the same Sign face shall not exceed 65 square metres;
- e. proposed Sign locations shall be separated from any other Digital Sign greater than 8.0 m<sup>2</sup> or Off-premises Sign as follows:

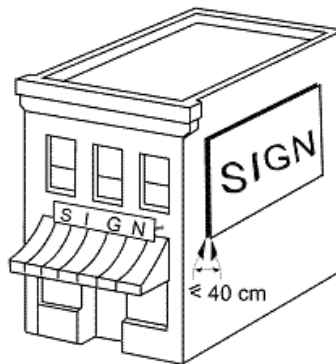
Proposed Sign Area	Minimum separation distance from Digital Signs greater than 8.0 m <sup>2</sup> or other Off-premises Sign
Greater than 8.0 m <sup>2</sup> to less than 20 m <sup>2</sup>	100 m
20 m <sup>2</sup> to 40 m <sup>2</sup>	200 m
Greater than 40 m <sup>2</sup>	300 m

The separation shall be applied from the larger Off-premises Sign or Digital Sign location.

- f. the top of proposed Signs that are Fascia Signs shall not extend more than 30 centimeters above the building roof or parapet wall;
- g. proposed Signs that are Fascia Signs shall have structural elements concealed from view;
- h. proposed Signs that are Fascia Signs shall not extend more than 40 centimeters out from the wall or structure and shall not extend beyond the horizontal limits of the wall;
- i. proposed Signs that are Fascia Signs extending over a public right-of-way or passageway intended for pedestrian travel shall maintain a minimum clearance of 2.4 metres;
- j. proposed Signs with an Area greater than 8.0 square metres shall not be located within any Setback;
- k. the maximum number of Freestanding On-premises Signs, Roof On-premises Signs, Major Digital Signs, Minor Digital On-premises Signs, Minor Digital On-premises Off-premises Signs and Minor Digital Off-premises Signs on a Site shall be four; and
- l. an application for the renewal of a Sign with a lawful permit existing at the time of the passage of Bylaw 15892 will not be refused for the sole reason that it does not comply with all development regulations of this Bylaw. Application renewals

shall demonstrate that the Sign meets the automatic light level controls outlined in Section 59.2(5) and traffic safety regulations in Section 59.2(2).

Under Section 6.2(7), **Fascia Signs** means any Sign painted o or attached to an exterior building wall, or any other permitted structure, on which a two dimensional representation may be placed, so that the Sign does not extend more than 40 centimeters out from the wall or structure nor beyond the horizontal limits of the wall. Fascia Signs may or may not be permanent. This definition includes banners or any other two dimensional medium.



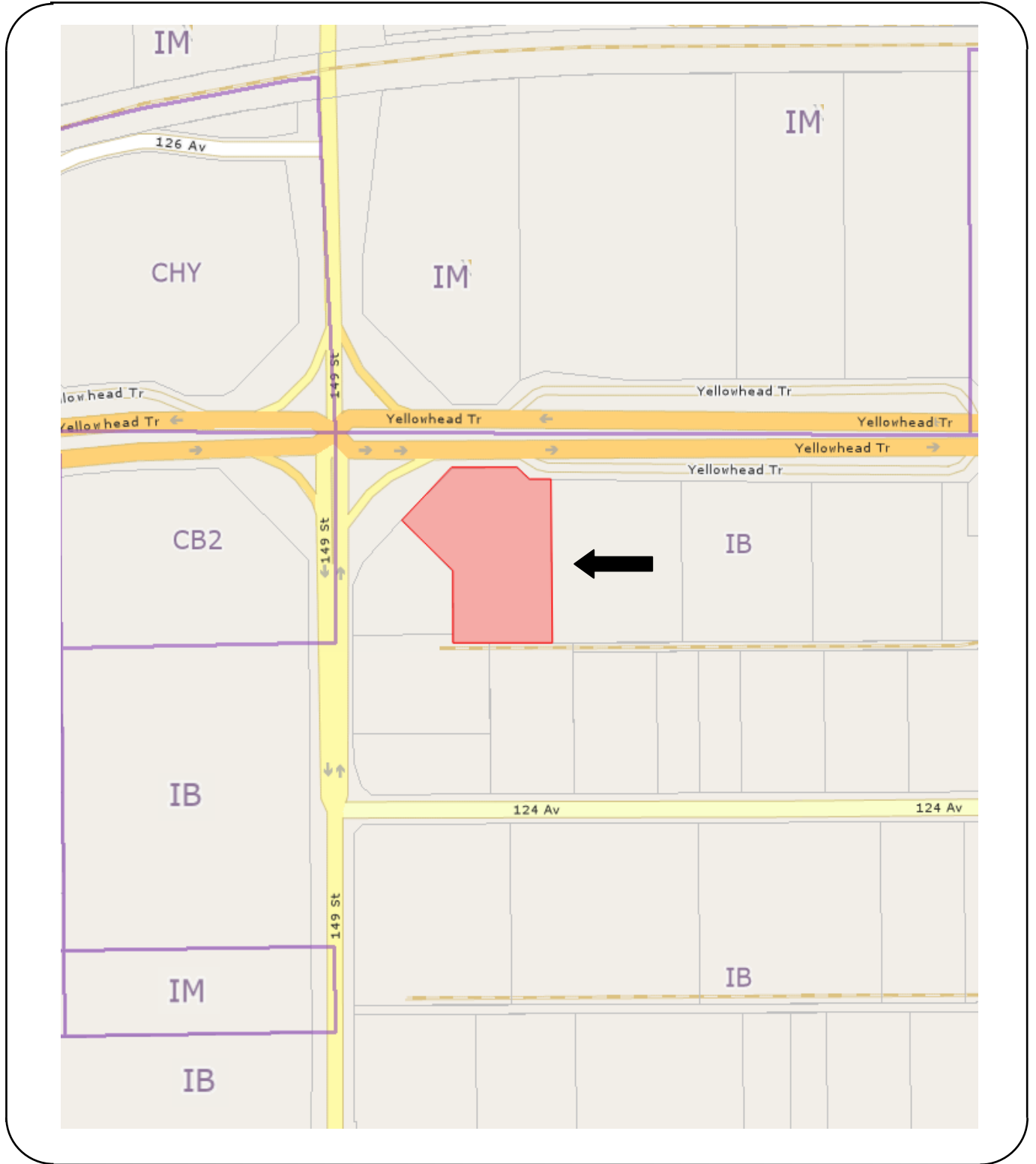
Section 400.1 states the purpose of the IB Industrial Business Zone is to provide for industrial businesses that carry out their operations such that no nuisance is created or apparent outside an enclosed building and such that the Zone is compatible with any adjacent non-industrial Zone, and to accommodate limited, compatible non-industrial businesses. This Zone should normally be located on the periphery of industrial areas and adjacent and arterial or major collector roadways.

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NOTICE TO APPLICANT/APPELLANT

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-146



**TO BE RAISED**  
**ITEM III: 1:30 P.M.**

FILE: SDAB-D-15-123

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPLICATION NO.:	159325021-002
APPLICATION TO:	Construct exterior alterations to an existing Single Detached House (driveway extension, existing without permits).
DECISION OF THE DEVELOPMENT AUTHORITY:	Refused
DECISION DATE:	May 7, 2015
DATE OF APPEAL:	May 26, 2015
MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY:	2244 - 32B STREET NW
LEGAL DESCRIPTION:	Plan 0740223 Blk 1 Lot 19
ZONE:	RSL Residential Small Lot Zone
OVERLAY:	N/A
STATUTORY PLAN:	Meadows Area Structure Plan

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DEVELOPMENT OFFICER'S DECISION

REFUSED - The proposed development is refused for the following reasons:

1. Section 6.1(26): Driveway means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

The existing concrete extension to the left side property line does not lead to an overhead garage door or parking area.

2.) Section 55.4(1): All open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing.

The existing driveway extension is in the front of the property. Based on the landscaping regulations, front yards/front setbacks must be landscaped. Monolithic concrete is not considered a form of landscaping. (Section 6.1(55)).

3.) Section 54.2(2(e)): Except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following: parking spaces shall not be located within a Front Yard.

4.) Section 54.1(4): The area hardsurfaced for a Driveway, not including the area used as a walkway, shall:

b. for a Site 10.4 m wide or greater, have a maximum width that shall be calculated as the product of 3.1 m multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage.

Allowed Width: 6.2 m  
Existing Width: 12.01 m  
Exceeds by: 5.81 m

5.) Section 17.1(1)(a) When an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature, have been fulfilled.

The landscape condition attached to Development Permit #130357336-001 for the Single Detached House approval has not been fulfilled:

"Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw."

NOTES:

Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

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APPELLANT'S SUBMISSION

Reasons for appeal:

- The space is not used for vehicle parking.
- They will or intend to provide planters as a form of landscaping.
- There are several properties in the neighbourhood with similar driveways.

- Signatures of adjacent neighbours not objecting will be provided.
  - The increase does not affect the front street/sidewalk.
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SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Section 686(1)(a)(i) of the *Municipal Government Act* states “a development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days....after the date on which the person is notified of the order or decision or the issuance of the development permit.”

The decision of refusal by the Development Officer is dated May 7, 2015. Fourteen days from the decision date is May 21, 2015 and the Notice of Appeal was filed on May 26, 2015.

**It should be noted**, included in the Sustainable Development Department's POSSE system, under “Shared with SDAB”, is a Canada Post Registered Mail Delivery, dated May 26, 2015 that confirms the notice of refusal was delivered on May 25, 2015. **A copy of the document is on file.**

**Single Detached Housing** is a Permitted Use in the RSL Residential Small Lot Zone, Section 115.2(4).

Section 50.1(2) states Accessory Uses and Buildings are permitted in a Zone when Accessory to a principal Use which is a Permitted Use in that same Zone and for which a Development Permit has been issued.

Under section 6.1(26), **Driveway** means an area that provides access for vehicles from a public or private roadway to a Garage or Parking Area.

**The Development Officer determined the proposed concrete Driveway extension does not lead to an overhead Garage door or Parking Area.**

Section 55.4(1) states all open space including Front Yards, Rear Yards, Side Yards and Yards, at grade Amenity Areas, Private Outdoor Amenity Areas, Setback areas and Separation Spaces shall be landscaped with trees, shrubs, flower beds, grass, ground cover or suitable decorative hardsurfacing, in accordance with the Landscape Plan submitted pursuant to subsection 55.3 and approved by the Development Officer. This requirement shall not apply to those areas designated for parking and circulation, which shall be landscaped in accordance with subsection 55.8 of this Bylaw. The Development Officer may require Landscaping of areas within a Site that are intended for future development if, in the opinion of the Development Officer, the lack of Landscaping creates a potential negative visual impact, given the visibility of these areas from adjacent properties and public roadways.

**The Development Officer determined the proposed Driveway extension is in the front of the property. Based on Landscaping regulations, Front Yard/Front Setbacks must be landscaped. Monolithic concrete is not considered a form of Landscaping.**

Section 54.2(2)(e) states, except as otherwise provided for in this Bylaw, parking spaces, not including Driveways, that are required in accordance with the minimum standards of this Bylaw shall be located in accordance with the following:

- i. parking spaces shall not be located within a Front Yard; and



- ii. on a Corner Lot in a Residential Zone, parking spaces, in addition to complying with the other provisions of this Bylaw, shall not be located within the Side Yard abutting the flanking public roadway, other than a Lane. Where the amount of parking provided on a Corner Lot is in excess of the minimum requirements of this Bylaw, the Development Officer shall have the discretion to allow such additional spaces within a Side Yard flanking a public roadway, other than a Lane.

Section 54.1(4) states the Front Yard of any at-grade Dwelling unit in any Residential Zone, or in the case of a corner Site, the Front Yard or the flanking Side Yard in any Residential Zone, may include a maximum of one Driveway. The area hardsurfaced for Driveway, not including the area used as a walkway, shall:

- a. a minimum width of 3.1 metres;
- b. for a Site 10.4 metres wide or greater, have a maximum width that shall be calculated as the product of 3.1 metres multiplied by the total number of adjacent side-by-side parking spaces contained within the Garage; and
- c. for a Site less than 10.4 metres wide, have a maximum width of 3.1 metres.

The Driveway shall lead directly from the roadway to the required Garage or Parking Area.

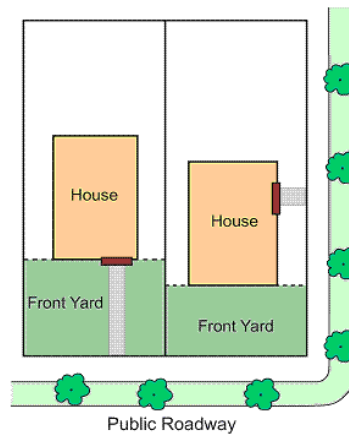
**The Development Officer determined the maximum width allowed for a Driveway is 6.2 metres. The proposed development provides a width of 12.01 metres, which is in excess of the maximum by 5.81 metres.**

Section 17.1(1)(a) states when an application for a Development Permit has been approved by the Development Officer, the Development Permit shall not be valid unless and until any conditions of approval, except those of a continuing nature have been fulfilled.

**The Development Officer determined the Landscaping condition attached to Development Permit #130357336-001 for the Single Detached House approval has not been fulfilled:**

**“Except for the hard surfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.”**

Under Section 6.1(39), **Front Yard** means the portion of a Site abutting the Front Lot Line extending across the full width of the Site, situated between the Front Lot Line and the nearest wall of the principal building, not including projections.



Under Section 6.1(55), **Landscaping** means the preservation or modification of the natural features of a Site through the placement or addition of any or a combination of the following:

- a. soft landscaping elements such as trees, shrubs, plants, lawns, and ornamental plantings;
- b. decorative hardsurfacing elements such as bricks, pavers, shale, crushed rock or other suitable materials, excluding monolithic concrete and asphalt, in the form of patios, walkways and paths; and
- c. architectural elements such as decorative fencing, walls, and sculpture.

Under Section 6.1(69), **Parking Area** means an area that is used for the parking of vehicles. A Parking Area is comprised of one or more parking spaces, and includes a parking pad, but does not include a Driveway.

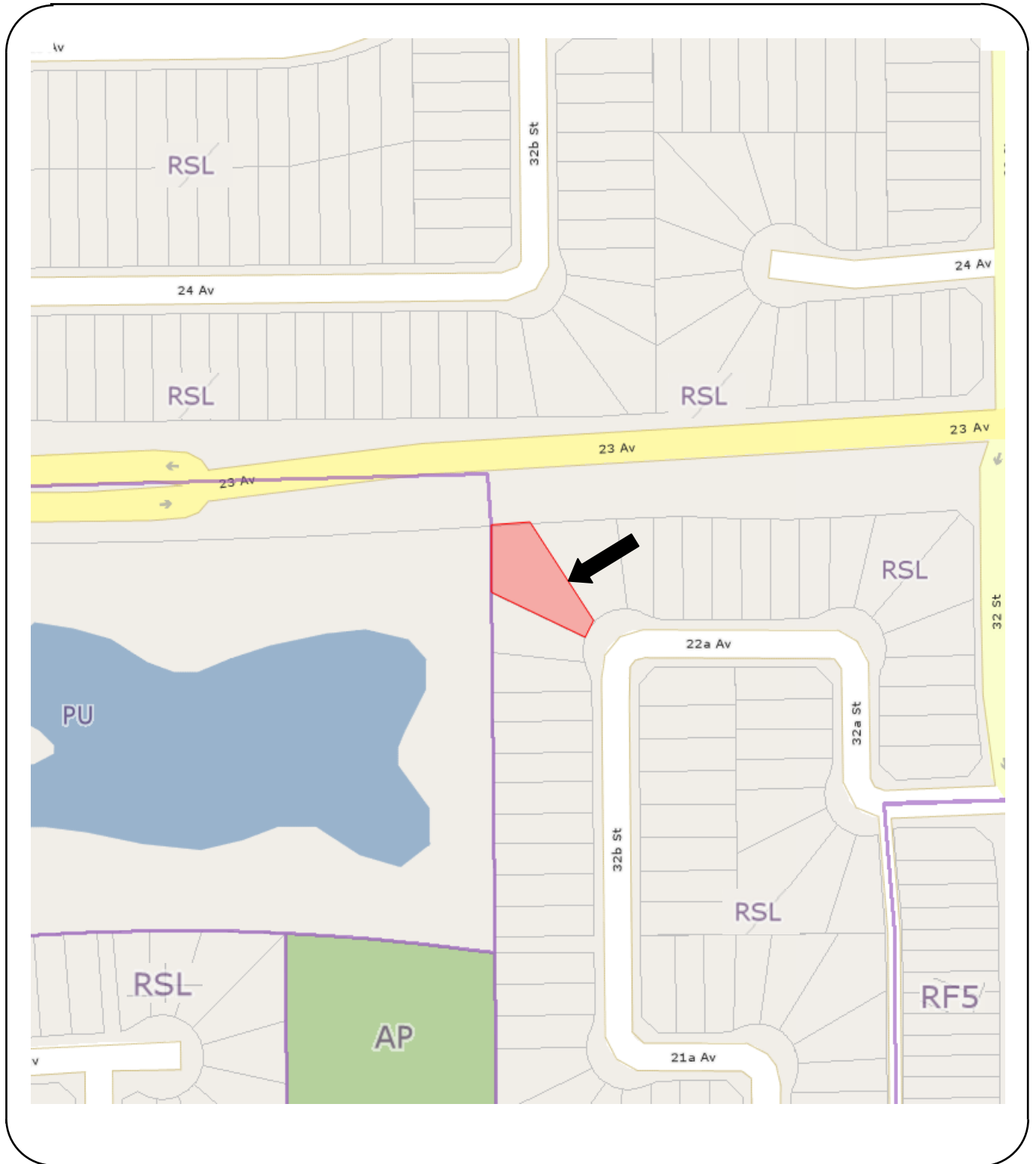
Section 115.1 states the purpose of this zone is to provide for Single Detached Housing with attached Garages in a suburban setting that provides the opportunity for the efficient utilization of undeveloped suburban areas and includes the opportunity Secondary Suites.

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### NOTICE TO APPLICANT/APPELLANT

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**SURROUNDING LAND USE DISTRICTS**

Site Location ←

File: SDAB-D-15-123



**BUSINESS LAID OVER**

<b>SDAB-D-15-136</b>	An appeal to construct and operate a Residential Sales Centre <i>July 15 or 16, 2015</i>
<b>SDAB-D-15-138</b>	An appeal to develop a Secondary Suite in an existing Single Detached House <i>August 5 or 6, 2015</i>

**APPEAL HEARINGS TO BE SCHEDULED**

<b>152684111-003</b>	An appeal to increase the height of an approved Fascia Minor Digital On-premises Off-premises Sign <i>July 8 or 9, 2015</i>
<b>170465146-003</b>	An appeal to construct an uncovered deck (1.95m x 4.90m at 1.10m in height), existing without permits <i>July 15 or 16, 2015</i>